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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/665,846	09/20/2000	Graham Russell	9112.00	6406

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EXAMINER

KARMIS, STEFANOS

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/665,846	Applicant(s) RUSSELL ET AL.	
	Examiner Stefano Karmis	Art Unit 3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 7, 9-14, 19 and 21-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 7, 9-14, 19 and 21-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. The following communication is in response to Applicant's appeal brief filed 10 January 2005.

Status of Claims

2. Claims 12, 24, 25 and 26 are being appealed. Claims 1, 2, 7, 9-14, 19 and 21-26 are pending in this application.

Response to Arguments

3. In view of the appeal brief filed on 10 January 2005, PROSECUTION IS HEREBY REOPENED. A new grounds of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or

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other evidence are permitted. See 37 CFR 1.193(b)(2). Any remaining arguments are now moot in view of the new grounds of rejection.

Claim Objections

4. Claims 12 and 24 are objected to because of the following informalities: Applicant has listed claims 12 and 24 for appeal, but recited the limitation of claim 11 and 23. The Examiner believes Applicant intended to appeal claims 11 and 23 and therefore has examined the application with this interpretation. Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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6. Claims 1, 2, 7, 9, 10, 13, 14, 19, 21 and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Geisel et al. (hereinafter Geisel) U.S. Publication 2002/0073060.

Claims 1, 2, 7, 9, 10, 13, 14, 19, 21 and 22 stand rejected under 35 U.S.C. 102(e) as being anticipated by Geisel et al. (hereinafter Geisel) U.S. Publication 2002/0073060 as stated in the previous office action, mailed 21 September 2004. These claims are not subject to the appeal and therefore remain rejected as previously stated.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

9. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

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2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. Claims 11, 12 and 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Geisel et al. (hereinafter Geisel) U.S. Publication 2002/0073060 in view of Garner, IV et al. (hereinafter Garner) U.S. Patent 6,863,214.

Regarding claims 11, 12, 23 and 24, Geisel teaches a computer-implemented method and apparatus for item processing comprising determining whether physical tracer items are associated with an entry; and associating a logical group of tracer items with the entry when the determination is negative (page 3, paragraphs 0035-0036). Geisel further teaches assigning a logical pocket number to each logical tracer item in the logical group of tracer items (page 3, paragraph 0036 and page 3, Table 1). Geisel fails to teach encoding a physical blank document item with information associated with the particular logical tracer document item and routing the encoded physical document item to a physical pocket, which has been assigned the corresponding logical pocket number. Garner teaches an image enabled reject repair for check processing capture comprising encoding a physical blank document item with information associated with the particular logical tracer document item and routing the encoded physical document item to a physical pocket, which has been assigned the corresponding logical pocket number (column 2, lines 33-46 and column 4, lines 15-20 and Figure 1). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Geisel and include the teachings of Garner of encoding a physical blank document

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item with information associated with the particular logical tracer document item and routing the encoded physical document item to a physical pocket, which has been assigned the corresponding logical pocket number because it provides Geisel with an efficient routing system to process financial documents accurately and quickly in a logical order for corrections, such as unreadable characters which require further processing.

Regarding claims 25 and 26, Geisel teaches a method of operating a distributed image capture proof-of-deposit system having a central processing site and a number of branches connected via a network with the central processing site, comprising: capturing at a branch images of physical document items without use of a group of physical tracer document items, transferring the captured images of physical document items from the branch and receiving the images at the central processing site (page 5, paragraph 0056 and Figures 1 and 9). Geisel further teaches batches of document items (page 4, paragraph 0048 and Figure 7). Geisel fails to teach assigning a unique entry number to all batches of document items received from the branch during a predetermined period of time and creating a group of logical tracer document items based upon the assigned unique entry number and associating the group of logical tracer document items with all batches of document items received from the branch during the predetermined period of time so as to allow further downstream processing of the batches of document items at a later time. Garner teaches assigning a unique entry number to all batches of document items received from the branch during a predetermined period of time and creating a group of logical tracer document items based upon the assigned unique entry number (column 7, line 49 thru column 8, line 8 and column 3, line 60 thru column 4, line 15). Garner further

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teaches associating the group of logical tracer document items with all batches of document items received from the branch during the predetermined period of time so as to allow further downstream processing of the batches of document items at a later time (column 1, line 48 thru column 2, line 3 and column 3, line 60 thru column 4, line 15). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Geisel and include the teachings of Garner of assigning a unique entry number to all batches of document items received from the branch during a predetermined period of time and creating a group of logical tracer document items based upon the assigned unique entry number and associating the group of logical tracer document items with all batches of document items received from the branch during the predetermined period of time so as to allow further downstream processing of the batches of document items at a later time because it provides Geisel with an efficient routing system to process financial documents accurately and quickly in a logical order for corrections, such as unreadable characters which require further processing.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefano Karmis whose telephone number is (571) 272-6744. The examiner can normally be reached on M-F: 8-5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Respectfully Submitted
Stefano Karmis
26 April 2005

VINCENT MILLIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

